

<b>COMPLAINT NUMBER</b>	20/505
<b>ADVERTISER</b>	NZ Drug Foundation
<b>ADVERTISEMENT</b>	NZ Drug Foundation Television
<b>DATE OF MEETING</b>	7 October 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The television advertisement for the NZ Drug Foundation features Tim, a former drug squad detective. He says "... the key thing for me in the cannabis control Bill is that we'll give our Police more time to focus on more important things, like violent crime..." At the end of the advertisement the following text appears on screen: "Vote Yes on our terms – Cannabis Control Referendum – onourterms.org.nz - Authorised by the NZ Drug Foundation, 265 Wakefield St, Wellington" and "NZ Drug Foundation – Te Tuāpapa Tarukino o Aotearoa".

**The Chair ruled there were no grounds for the complaint to proceed.**

**Complaint:** We wish to make a formal complaint about an advertisement for Pro- cannabis by a law enforcement officer, public service member, who is being used to influence the public vote by saying that legalising cannabis will free up police resources. This is false advertising, as most of police callouts are drug related whether it be cannabis or other illicit drugs. Using an officer of the law to say anything to the public about voting yes to legalising cannabis is against the constitutional rights of the public to be given the facts correctly. The ad is misleading and gives the wrong impression to the public. This ad was placed during a strategic time slot with the news broadcasting hours and would have been viewed easily by younger viewers.

**The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(b), Rule 2(e);**

**Principle 2: Truthful Presentation:** Advertisements must be truthful, balanced and not misleading.

**Rule 2(b) Truthful Presentation:** Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

**Rule 2(e) Advocacy advertising:** Advocacy advertising must clearly state the identity and position of the advertiser. Opinion in support of the advertiser's position must be clearly distinguishable from factual information. Factual information must be able to be substantiated.

### **About Advocacy Advertising**

Complaints about advocacy advertising are considered differently to complaints about advertising for products and services.

In assessing whether an advocacy advertisement complies with the Advertising Standards Code, the freedom of expression provisions under the Bill of Rights Act 1990 must also be considered.

Section 14 of the Act says: “Everyone has the right to freedom of expression, including the freedom to seek, receive, and impart information and opinions of any kind in any form.” This freedom of expression supports robust debate on current issues in a democracy.

Under Rule 2(e) Advocacy advertising of the Advertising Standards Code:

- The identity of the advertiser must be clear
- Opinion must be clearly distinguishable from factual information, and
- Factual information must be able to be substantiated.

If the identity and position of the Advertiser is clear, a more liberal interpretation of the Advertising Standards Code is allowed.

### **About this complaint**

The Chair acknowledged the Complainant’s concerns the advertisement was misleading.

The Chair confirmed the advertisement is an advocacy advertisement and the identity of the Advertiser, the New Zealand Drug Foundation, was clear, along with its position on the cannabis referendum. The Chair noted at the end of the advertisement the following text appears on screen: “Vote Yes on our terms – Cannabis Control Referendum – onourterms.org.nz - Authorised by the NZ Drug Foundation, 265 Wakefield St, Wellington” and “NZ Drug Foundation – Te Tuāpapa Tarukino o Aotearoa”.

The Chair said the Cannabis Legalisation and Control referendum is a significant social issue and it is important the New Zealand public has access to the differing views on it, in order to be able to take an active part in the debate. The Chair confirmed consumers had access to a range of views in different media on the referendum from groups that supported a yes vote and from others that support a no vote.

The Chair said that Tim, a former drug squad detective, is offering his personal opinion that the proposed legislation will give New Zealand Police more time to focus on “more important issues like violent crime”. Expressions of opinion are allowable under the advocacy code.

The Chair noted the advertisement had screened during the News, which is categorised by the Commercial Approvals Bureau as Unclassified Programming. It is also programming where viewer discretion is often advised.

The Chair said the advertisement was not in breach of Principle 2, Rules 2(b), 2(e) and 2(f) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaints to proceed.

### **Chair’s Ruling: Complaint No Grounds to Proceed**

#### **APPEAL INFORMATION**

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website [www.asa.co.nz](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.